G. R. S. IX-5]

Previous references. Revenue

1917-18
(Courts)

Later references.

File No. 65-17

Serial Nos. 1 & 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for November 1917

SUBJECT.

Rules under the Guardian and Wards Regulation, V of 1911

---

2) To The Registrar Ch Court
No J 1529 Dy 2-11-17
Sanctions the rules and states that they may be brought into force from the 15th Dec. 1917.

W D 88—GPB—50,000—24-7-16

Md Abdur Rahman
27. 11. 17 Khan

G. R. S. 11] 1917. 611

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 65-17

FILE HEADING.

Rules under the Guardian and Wards Regulation, V of 1911.

From

The Registrar, Chief Court

No. R.O.S.C. 329/1916-17 Dated 10-9-17 Received 11-9-1917

Diary No. 611	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a set of rules framed by the Chief Court under Section 48 & 49 of the Regulation and solicits sanction of Govt to Rule 11 framed under Sec 49 (1) (i).

NOTES AND ORDERS.

Submitted for orders with references.

AGR 8/10 N.R. 2. Please put up draft approving.

Medals of commencement may be 1st December.

SS 8/10

P.T.O.

NOTES—First Sheet.

611

G. R. S. 12]

General and Revenue Secretariat. | Old File No. 65 of 1917

Serial No.	
	3 Draft G.O. Subd. Asst 10/10 Submitted for favour of approval Ks 16/10
	First Member
1533 18/10/17	Approved Secy 18/10 Asst Secy 20/10
2	To The Registrar Ch Court No J 1529 2nd Nov 1917 Sanctions the rules and states that they may be brought into force from the 15th Dec: 1917.

NOTE—Contn. sheet.

GPI—65,000—7-6-12.

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....J.611.....

Section Courts

File No. 65-17

Serial No. 2

General and Revenue Secretariat

(Courts)

Proceedings of the Government of

His Highness the Maharaja of Mysore.

, the *191* .

Date of issue..... 2.11.17

Signed by..... M.G. Srinivasa

Read.—

Letter no. R.O.S.C. 329/1916-17 dt 10-9-17 from the Registrar, Chief Court, forwarding a set of rules framed under Sections 48 and 49 of the Guardian and Wards Regulation 1911, and soliciting approval of Govt to Rule 11 which has been framed under clause (1) of Section 49 (1).

Order Thereon:— No. J 1514

Approved. The rules may be brought into force from 1st December 1917.

(8/10/17)

Secretary to Govt over General Dept

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

18/10

To The Registrar, Chief Court.

10/10/17

DIARY No. 4611

R.O.S.C.No.329/1916-17.

GEN. & REV. SEC. 11 SEP 1917

Chief Court of Mysore,
Bangalore,
Dated 6th September 1917.

From

N. T. Gopaliengar Esq., B.A., LL.B.,
Registrar of the
Chief Court of Mysore.

GEN. & REV. SECRETARIAT III JUDICIAL 11 SEP 1917

To

C. S. Balasundaram Iyer Esq., B.A.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

Adverting to correspondence ending with your letter No: J. 1737/Cts.226-14-15 dated the 16th November 1916, I am directed to forward herewith for the information of the Government a set of rules under the Guardian and Wards Regulation No.V of 1911 framed by this Court by virtue of the powers conferred by sections 48 and 49 and to request the sanction of the Government under section 49 (2) to rule 11 which has been framed under section 49 sub-section (1) (i). The rules will be published in the Mysore Gazette as required by section 49 sub section (2) after the sanction of the Government is received to rule 11.

I have the honor to be,
S i r,
Your most obedient servant,

N. T. Gopaliengar

REGISTRAR.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

NOTIFICATION Dated

In exercise of the powers conferred by Sections 48 and 49 of the Guardian and Wards Regulation V of 1911, the Chief Court of Mysore have made the following rules, which shall come into force from the 1st day of October 1917. This notification supersedes the notification dated the 9th June 1913 :--

Reg V.

(1) The following form shall be used for appointments or declarations of guardianship of property made under section 6 of the Regulation in cases in which a person other than the Deputy Commissioner or a guardian appointed by will or other instrument is appointed to be guardian of the property of a ward:--

Whereas this Court has, under the provisions of Section 6 of Regulation V of 1911, been pleased to appoint you A.B., (or to declare you A. B., to be), guardian of (the property or the person and property) of C. D., during the period of his minority, to wit, till the day of the month of 19 subject to the provisions contained in the Regulation and particularly those provisions contained in sections 31, 38 and 39 of the Regulation aforesaid, you are hereby authorised to take charge of the property of the minor in trust, to collect and pay all just debts, claims and liabilities due to or by the estate of the minor, to institute or defend suits connected with that estate, and generally to do and perform all acts which may be necessary to the due discharge of the trust vested in you, provided always that you shall not mortgage, or charge or transfer by

sale

sale, gift, exchange or otherwise, any part of the immoveable property of your ward, or lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which your ward will cease to be a minor, without the express sanction of this Court previously obtained; and that you shall keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness.

2. When the Court does not allow out of the estate the costs of an application made by the Deputy Commissioner of the District under Section 7 of the Regulation, the reasons for the disallowance shall be recorded.

3. Where a petition under section 9 of the Regulation states that the property of the minor consists in whole or in part of land or any interest in land, a copy of the petition shall be sent free of charge to the Deputy Commissioner of the District in which the land or any part of it is situate.

4. In uncontested proceedings under the Regulation, it shall be competent to the Court exercising jurisdiction therein to permit or direct, except when otherwise provided by any law or rule for the time being in force, that any particular fact or facts may be proved, or evidence upon any application may be given, by affidavit.

5. The Court may in a proper case issue a commission to such person as it thinks fit to ascertain the value of the property belonging to a ward, and of improvements, if any, that are necessary or have been or are being or are

proposed

proposed to be effected by a guardian.

6. The following form shall be used for the personal and security bonds required from a guardian under section 33 (a) of the Regulation:--

Know all men by these presents that I

(1) Name of guardian. (1).....(2).....

(2) Son or daughter as the case may be. of....., of.....

am held and firmly bound to (3).....

(3) Name of District Judge. ..... the District Judge of.....in

(4) Do. the sum of Rs....., to be paid tc the said

(5) and (6) Names of sureties. (4).....or to his successors in office, and we (5)....., son

(7) Name of the District Judge. of....., and (6).....

son of....., of.....

are jointly and severally held and firmly bound to the said (7).....in the sum of

(8) Name of the District Judge. Rs....., to be paid to the said (8).....

.....or to his successors in office, for the payment of which the said sum of Rs.....to be faithfully and truly made,

(9) Name of guardian. I, the above bounden (9)..... bind myself, my heirs, executors, administrators, and representatives, and for the payment of the said sum of Rs....., we the above bounden

(10) and (11) Names of sureties. (10)....., and (11)..... ....., bind ourselves, and each of us jointly and severally, and our and each of our heirs, executors, administrators, and representatives firmly by these presents. Signed by ourselves and sealed with our respective seals this..... .....day of.....19.....

Whereas

Whereas by an order of the Court of the District Judge of.....made on the day of.....
.....under section.....of the Guardian and Wards Regulation (.....of 1911)

(1) Name of guardian. the above named (1).....has subject to his entering into a bond in Rs.....

(2) Number of sureties. as the case with (2).....sureties in the same sum (or sum of Rs.....as the case may be), been appointed guardian of the pro-

(3) Name of the minor. perty, movable and immovable of (3).....
....., minor son of.....

(4) Name of guardian. And whereas the said (4)..... has agreed to enter into the above written bond and

(5) and (6) Names of sureties. the said (5).....and (6).....have agreed to enter into the above written bond as sureties for the said

(7) Name of guardian. (7) ..... Now the condition of the above written bond is such that if the said

(8) Name of guardian. (8).....do and shall justly and truly account whenever called upon to do so, for what he may receive in respect of the property

(9) Name of minor. of the said (9).....and do and shall carefully observe, perform and keep all orders and directions of the said Court of the District Judge of.....touching or concerning the estate and effects of the said minor and his property and touching and concerning all such monies

(10) Name of guardian. and estates as he, the said (10)..... shall receive as such guardian as aforesaid and in all things conduct himself properly, then the above-written bond or obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

4.2

Signed

(11) Names of guardian and sureties.	Signed and sealed by the above named (11)..... ..... in the presence of.....	Seal. Seal. Seal.

7. The District Judge may from time to time appoint a Commissioner to audit the accounts of a guardian in cases in which he considers the same necessary or desirable and require the guardian to provide for the expenses of the audit.

8. Where the property of the Ward consists of money and cannot be applied immediately or at an early date to the purposes of the ward, the guardian may invest the money on all or any of the following securities, and on no others:---

(a) in promissory notes, debentures, stock or other securities of the Government of India or of the Government of Mysore.

(b) in stock or debentures of or shares in Railway or other Companies the interest whereon shall have been guaranteed by the Government of Mysore or the Secretary of State for India.

(c) in Mysore Government Savings Bank Deposits, and in fixed deposits in the Bank of Mysore.

(d) in debentures or other securities for money issued with the sanction of the Government of Mysore by any Municipal body or City Improvement Trust in any town in Mysore.

(e) on a first mortgage of immoveable property situate in the State of Mysore; provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or if consisting of buildings, exceeds by one-half, the mortgage money.

(f) any other security with the previous sanction of the Chief Court, to be obtained in the particular case.

9. A guardian of the property of a ward, appointed ~~and~~ or declared by the Court and not being the Deputy Commissioner, shall if required by the Court, deposit on current account in a bank approved by the Court, any money of the ward which is not required for investment or immediate disbursement; and shall, if so required by the Court, deposit for safe custody in a bank, treasury, or other safe place approved by the Court, all securities for money belonging to the ward, except those if any which the Court thinks fit to authorise him to retain in his own custody.

10. In all cases to which section 33 is applicable the Court shall make the requisition authorised by sub section (c) of that section, unless for reasons to be recorded in the order appointing or declaring the guardian, it considers it unnecessary or undesirable to do so.

11. A guardian of the person appointed or declared by the Court, and not being the Deputy Commissioner, shall if so required by the Court, formulate and submit to the Court proposals for the education of the ward. And the Court shall make thereon such order as it deems fit.

A copy of every order made under this rule shall be submitted to the Chief Court.

12. Cases are not to be considered as disposed of as soon as a guardian is appointed. They are to be pending for the purposes of receiving the accounts of the guardian till the guardian is discharged or ceases to act.

R E G I S T R A R.